

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JOHN P. DALTON, SR.</b>	:	
<b>o/b/o JOHN P. DALTON, JR. (deceased)</b>	:	
<b>Plaintiff,</b>	:	<b>CIVIL ACTION</b>
:		
<b>v.</b>	:	<b>NO. 03-3030</b>
:		
<b>JO ANNE B. BARNHART,</b>	:	
<b>COMMISSIONER OF SOCIAL SECURITY</b>	:	_____
<b>Defendant.</b>	:	
:		

## ORDER

AND NOW, this 17th day of October, 2005, upon consideration of the parties' Motions for Summary Judgment (Docs. 14 & 15), and after careful review of the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter (Doc. 21), **IT IS HEREBY ORDERED AND DECREED** that the Report and Recommendation dated August 31, 2005, is **APPROVED** and **ADOPTED**. This matter is **REMANDED** to the Commissioner of the Social Security Administration in accordance with the fourth sentence of 42 U.S.C. § 405(g) for further proceedings consistent with the Report and Recommendation of the United States Magistrate Judge Thomas J. Rueter.

**BY THE COURT:**

/S/ Petrese B. Tucker

**Hon. Petrese B. Tucker, U.S.D.J.**